

Serial No. 10/673,027
60130-1894; 02MRA0144

REMARKS

Claims 1, 7 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 7 and 14 have been amended to delete the language "wherein only the director detector is provided with the openable member position information." The rejection has been overcome.

Claims 1, 7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 7 and 14 have been amended to delete the language "wherein only the director detector is provided with the openable member position information." The rejection has been overcome.

Claims 1, 7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. Applicant respectfully disagrees. The direct detector is a detector, and therefore the direct detector is able receive the openable member position information from the indirect director that defines the operating parameters of the direct detector. The claimed invention includes the structural relationship of the elements.

Claims 1-4, 6-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Connor. O'Connor does not disclose a system that detects an obstruction in a path of an openable vehicle member including an indirect detector that indirectly detects the obstruction and outputs openable member position information to a direct detector that is used to define operating parameters of the direct detector. O'Connor discloses an obstacle detection system including a non-contact detection system 14 and a contact detection system 100. The non-contact system 14 avoids entrapment of an obstacle. The contact system 100 provides an accurate indication of a relative position of a closure and a supplemental obstruction detection system when the non-contact system 14 sensitivity is less than optimal (page 23, lines 15-21). The sensitivity of the non-contact system 14 depends on the closure position. The closure position defines the point at which factors from the contact detection system 14 are considered or emphasized in determining if an obstacle is present (page 24, lines 8-10). For example, O'Connor discloses that over the lower 75% of an aperture, the non-contact system is extremely sensitive (page 24, lines 12-14).

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A controller 102 may solely rely on the output from the non-contact system 14 (page 24, lines 15-16). In the final 25% of the aperture, input from the contact-based system 100 can additionally be utilized to determine if an obstacle is present (page 24, lines 25-28). In the claimed invention, the indirect detector outputs openable member position information used to define the operating parameters of the direct detector. O'Connor does not disclose this feature. O'Connor does not disclose that the non-contact system 14 outputs openable member position information used to define the operating parameters of the contact-based system 100 as claimed. The claimed invention is not anticipated, and Applicant respectfully requests that the rejection be withdrawn.

Claims 5 and 16 stand rejected under 35 USC 103(a) as being obvious over O'Connor in view of Breed (U.S. Patent No. 6,442, 465). The Examiner admits that Breed does not disclose a light sensor that is a charge coupled device sensor. The Examiner states that Breed discloses a charge coupled device sensor, and it would be obvious to provide a charge coupled device sensor in O'Connor because of Breed. Applicant respectfully disagrees.

The claimed invention is not obvious. Claims 5 and 16 depend on patentable independent claims 1 and 14, respectively, and are allowable for the reasons set forth above. Adding Breed to O'Connor still does not render the claimed invention obvious because neither reference teaches a system that detects an obstruction in a path of an openable vehicle member including an indirect detector that indirectly detects the obstruction and outputs openable member position information to a direct detector that is used to define operating parameters of the direct detector. Therefore, the combination of the references does not disclose, suggest or teach the claimed invention. The claimed invention is not obvious.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. The Commissioner is authorized to charge \$420.00 (\$120.00 one month extension fee, \$300.00 for 6 additional claims in excess of twenty) to Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

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Respectfully Submitted,

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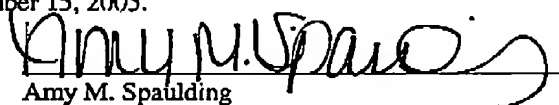


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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on December 15, 2005.



Amy M. Spaulding